

The Sydney Morning Herald.

PRICE THREEPENCE—£3 PER ANNUM.] VOL. XXXIII.

SATURDAY, JULY 17, 1852.

No. 4735. CASH TERM—FOR ADVERTISEMENTS.
For four lines and under 3s.; above four lines and under eight (for one inch) 4s.; and 1s. 6d. for every additional inch for each insertion.

STEAM TO THE HUNTER.
THE ROSE, THIS EVENING, (Saturday), at 10 o'clock.
REDUCED FARES AND FREIGHTS by the Australian Steam Navigation Company's Steamers.
ROSE AND THISTLE, SALMON, 100 TONS, CAPTAIN, 5s.
Dead weight 5s. per ton.
Measurement 10s. ditto.
Horses 5s., and more than one 7s. 6d. each.
The rates to and from Newcastle and intermediate calling ports in proportion.
JAMES PATTERSON, Manager.

CLARENCE STEAM SHIP.
THE fine new powerful Steam Ship, CLARENCE, Captain Charles Wieman, will continue until further notice to trade to and from Sydney and Morpeth, Hunter River, leaving Sydney every Tuesday and Friday, at 10 P.M., and Morpeth every Monday and Thursday at 8 A.M.
By order of the Proprietors, CLARENCE, 730

STEAM TO MELBOURNE AND LAUNCESTON.
CALLING AT SYDNEY, TROOPED BY THE 1st and 16th of every month.
H. NEW IRON STEAM SHIP, YARRA YARRA, G. Gilmore, commander, will be despatched for the above ports on MONDAY, the 2nd August, at 3 P.M.
JAMES PATTERSON, Manager.

A.S.N. Co.'s Wharf, July 14.
1484

STEAM BETWEEN ENGLAND, INDIA AND CHINA.
THE PENINSULAR AND ORIENTAL STEAM NAVIGATION COMPANY'S regular Monthly Mail Packets arrive at, and are despatched from, the undermentioned ports, with passengers and light goods, to and from Southampton, at REDUCED RATES OF FARE AND FREIGHT, as follows, viz.:—

	Arrived at Sydney.	Departed from Sydney.
BRISBANE	September 1st March.	12th 24th
BRISBANE	September 1st August.	1st 13th
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For further information, and tables of the Company's recently revised and reduced rates of passage-money and freight, apply to HENRY MOORE, Sydney.

FOR MORPETH (HUNTER RIVER).
KETCH CHANCE, 50 tons, Cox, master, this evening. For freight or passage apply to JOHN MORRIS, Agent, Albion Wharf (foot of Market-street). 1405

FOR MORPETH BAY.
THE fine Schooner LAVINA, 90 tons burthen, H. Wyborn, master, will sail on Wednesday, the 19th instant. Shippers will therefore be desired to send down their goods without delay.
For freight or passage apply to the master, on board; or to HENRY CLARKE, Union Wharf. 1434

FOR MORPETH BAY.
THE BRIG JACK, 170 tons, J. Murphy, master, will sail on Monday, the 19th instant. Shippers will therefore be desired to send down their goods without delay.
For freight or passage apply to the master, on board; or to W. HARRIS, Kellick's Wharf. 1434

FOR MORPETH BAY.
Has excellent accommodations for cabin and steerage passengers, and is despatched for the above ports on MONDAY, the 19th instant. Shippers will therefore be desired to send down their goods without delay.
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DART FOR MELBOURNE.
For Passengers only. INTENDING passengers need hardly be reminded of the beautiful accommodation this favorite vessel possesses.
Apply at once on board, at the Flour Company's Wharf; or to SHEPPARD AND ALGER, Packet Office, 480, George-street.
One door south of the Bank of New South Wales.
All Custom's entries must be passed and bills of lading sent in before noon, this day, to enable the vessel to clear at the Custom's. 1418

FOR MELBOURNE.
Goes right up to the Wharf without lightening a package.
THE fine brigantine HAILEQUIN, 100 tons, Jenkins, master, will sail on Monday, the 19th instant. Shippers will therefore be desired to send down their goods without delay.
For freight or passage, apply to JOHN MORRIS, Agent, Albion Wharf (foot of Market-street). 1405

FOR MELBOURNE DIRECT.
Going up to the Wharf without lightening a package.
THE beautiful new clipper barque MARY NICHOLSON, 244 tons register, George Hyde, commander, having been expressly purchased for the Port Phillip trade, is now on the Patent Ship being re-converted; and all parties interested are requested to inspect her beautiful model, combining speed and large carrying powers, with unusually light draft of water.
The accommodations for the numerous passengers now training between this port and Melbourne are unsurpassed by those of any vessel in the colony; and so soon as cargo can be received, and a date fixed for her departure, it will be made known in a future advertisement.

SHEPPARD AND ALGER, Agents.
Packet Office, 480, George-street, one door South of the Bank of New South Wales. 820

FOR MELBOURNE.
THE new clipper schooner DOBSON, 117 tons, W. R. Stevenson, commander, will sail on Monday next.
This vessel proceeds direct to the Wharf, without lightening a package.
For freight or passage, having superior accommodations, apply on board, at the Flour Company's Wharf; or to E. M. SAYERS, Port Phillip Packet Office, 489, George-street. 1172

FOR MELBOURNE.
THE fine first-class barque FOIG-A-BALLAGH, 170 tons, W. Stevenson, commander, now fast loading, and will sail on Wednesday next.
For freight or passage, apply on board; or to E. M. SAYERS, Port Phillip Packet Office, 489, George-street. 1173

FOR MELBOURNE DIRECT.
THE fine well known barque M. M. A., 170 tons, G. Kelly, commander, is now loading, and will sail on Wednesday next.
For freight or passage, having very superior accommodations, apply on board, at the Flour Company's Wharf; or to E. M. SAYERS, Port Phillip Packet Office, 489, George-street. 1026

FOR MELBOURNE.
THE fine fast-sailing brigantine DON JUAN, 170 tons, G. Courtney, commander, will sail on Monday next.
This vessel is now hourly expected, and will sail in six days after arrival. She has nearly the whole of her cargo engaged, and is warranted to sail as above.
For freight or passage, having superior accommodations, apply to JOHN MORRIS, Agent, Albion Wharf (foot of Market-street). 1405

FOR MELBOURNE DIRECT.
THE fine first-class passenger ship HELEN S. PAGE, 130 tons, Currie, master, will commence loading on Tuesday morning, and will have immediate despatch.
For freight or passage apply on board, at the Flour Company's Wharf; or to E. M. SAYERS, Port Phillip Packet Office, 489, George-street. 1472

GOLDEN SPRING FOR MELBOURNE.
BILLS of lading must be sent in and entries passed by 11 o'clock this day, otherwise the vessel will clear without, and the goods will be subject to a foreign duty at the port of discharge.
A cabin berth has become vacant; and three steerage passengers who have paid deposits must pay the balance by 11 o'clock, or their berths will be re-let.
JAMES COOK, Circular Quay. 1424

FOR GELBONG DIRECT.
THE BRIGANTINE MARGARET AND MARY, 130 tons, Currie, master, will commence loading on Tuesday morning, and will have immediate despatch.
For freight or passage apply on board, at the Flour Company's Wharf; or to E. M. SAYERS, Port Phillip Packet Office, 489, George-street. 1472

FOR GELBONG DIRECT.
THE fine powerful brigantine AMELIA, 180 tons, Trench, master, will commence loading for the above immediately, and will have every despatch.
For freight or passage apply to the undersigned. JAMES COOK, Circular Quay. 1248

FOR HOBART TOWN DIRECT.
THE fine first-class schooner CAMILLA, 201 tons register, G. Mercer, commander, being under charter will have immediate despatch for the above port.
For freight or passage apply to SHEPPARD AND ALGER, Packet Office, 480, George-street, one door south of the Bank of New South Wales. 1229

WANTED, a vessel to proceed to the Richmond River, for a full cargo of tallow and hides. Apply THACKER AND CO.

FOR HOBART TOWN.
THE fine fast-sailing brigantine WATERLILY, 190 tons, J. R. Hayes, commander.
This vessel is hourly expected; and having nearly the whole of her cargo on the Wharf ready for shipment, will have immediate despatch.
For freight or passage, having superior accommodations, apply to JOHN MACNAMARA, Queen-street. 1417

FOR ADELAIDE.
THE fine powerful brig THE GOLDEN SPRING, 300 tons, McVeigh, master, being now a loaded ship, will proceed with all possible despatch in the discharge of her cargo at Melbourne and the above port; and parties interested may rely upon her returning to Sydney immediately.
Circular Quay, July 16. 1348

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SYDNEY BETHLEHEM UNION.—Divine Service will be held to-morrow, after noon, Lord's Day, July 18th, at half-past three o'clock, on board the Duke of Wellington, Captain Miller, lying at the Circular Quay. 1375

TRANSFERABLE AND REMITTABLE LAND AND IMMIGRATION DEBENTURES.
SALED Tenders will be received at this Office, until noon of Tuesday, the 10th of August next, from persons desirous of advancing the whole or any portion of the sum of Fifty Thousand Pounds on the following security, and subject to the undermentioned terms and conditions, viz.:—
(1.) Each Tender must be for an even sum of hundreds of pounds, and must be endorsed "Tender for Debentures."
(2.) If the Tender be accepted, Land and Immigration Debentures for £100 each, upon the Territorial Revenue of New South Wales, will be issued for the sum advanced, and will bear interest at the rate of 5 per cent. per annum.
(3.) The principal will be receivable as cash at any time for the purchase of Crown Lands in this colony, or for any other payment due on account of the Territorial Revenue within the same.
(4.) The principal will not otherwise be payable for a period of less than three years from the date of the Debenture, but it will be redeemable at par at any time, at the option of the Government, but not of the Debenture holder.
(5.) The principal will also be redeemable at par, at the option of the holder for the time being, after the expiration of five years from the date of the Debenture, on his giving three months' notice to that effect to the Colonial Treasurer, in Sydney, as the case may be.
(6.) At the expiration of the three months' notice given either by the Government or the Debenture holder, the Debenture will cease and determine.
(7.) The principal and interest of each Debenture shall be payable at the option of the holder for the time being, either in Sydney or London; any change which it may be desired to make in this respect, being previously registered in the Colonial Treasury, in Sydney, and in the office of the Colonial Agent General, in London, and endorsed upon the Debenture, which must be presented accordingly at both these offices for that purpose.
(8.) Whenever a Debenture may be made payable in London, the Debenture holder may, by transmitting the Debenture to the Colonial Agent General, by such opportunity as the holder may desire, in order that the same may be available on the proof of the loss of the Debenture.
(9.) The Debenture will be transferable if made out in blank, in the same manner as an Exchequer Bill; but if made payable to an individual or firm, then by endorsement as in the case of an Exchequer Bill.
(10.) Any number of Debentures will, for the convenience of the holders, be consolidated into one or more of the aggregate amount, on application at the Colonial Treasury, provided the Debenture holder be the owner of the Debentures to be consolidated, and the Debenture to be issued for an even sum of £500 or £1000 only.
(11.) The amount, if accepted, if the Debenture be made payable in Sydney, or in Bank Bills. The tenders must, of course, express the intended mode of payment, and, if in Bills, at what rate of exchange.
By His Excellency the Governor, 1419
E. DEAS THOMSON.

THE SYDNEY RAILWAY COMPANY.
INCORPORATED BY ACT OF PARLIAMENT.
IN pursuance of a resolution passed at the last Half-yearly Meeting, the Directors of the Sydney Railway Company hereby convene a Half-yearly Meeting of Shareholders, to be held at the Sydney Railway Company's Office, at 11 o'clock, on Thursday, the 6th day of August next, at 12 o'clock at noon.
The election of a Director will take place, in the office of the Sydney Railway Company, at 11 o'clock, on Thursday, the 6th day of August next, at 12 o'clock at noon.
The retiring Director, Mr. J. N. Seagrove, is eligible for re-election. Candidates for the office are requested to give seven days' notice of their intention to offer themselves for election.
By Order of the Board,
T. L. ERSWORTH, Secretary and Accountant.
Railway Office, July 12. 1398

NOTICE is hereby given, that in accordance with the provisions of the Electoral Act for 1851, the lists of claimants and objections to the Sydney Hamlets and Police District of Sydney, in the County of Cumberland, for 1852 and 3, (filed with the Clerk of Petty Sessions at Sydney, between the first and fifth of July instant, in pursuance of the said Act), are filed, and the maps of the public at the undermentioned places, viz.:—
Police Office, Sydney;
Church, St. James;
Ditto at Lane Cove;
Ditto at Newtown;
Ditto at Redfern;
Also at the Sydney Head Road;
School-house at the Gable; Toll-bar, Rushcutters Bay; ditto at the Parramatta Road; at Ashfield, Concord, Longbottom, and the Light-house, which may be inspected at this office from 10 o'clock to 4 o'clock daily.
T. H. B. VENNOR, Clerk of Petty Sessions, Sydney.
Police Office, Sydney, July 16. 1399

TO ATTORNEYS' CLERKS.—A Meeting of the Attorneys' Clerks employed in Sydney, will be held at the Royal Hotel, on Monday next, the 19th instant, at half-past 7 p.m., to consider what steps should be taken with reference to the present exorbitant prices of provisions, clothing, fuel, rent, &c.
1420

NOTICE TO JOURNEMEN SHOEMAKERS.
A GENERAL MEETING of the Sydney Journeymen Shoemakers of Sydney will be held on Monday, 19th instant, at 2 o'clock, at Mr. Mullany's, Fortune of War, Public House, corner of Brougham-place, Pitt-street.
N.B.—All Journeymen are requested to attend. 1440

TWO Gentlemen who have lately arrived in this colony from a well-known Mining District in England, and who are both practically and scientifically acquainted with mining in all its branches, are prepared to enter into arrangements with parties disposed to establish a Gold Mining Company. Apply either personally or by letter, to Mr. B. Johnson, Charlotte-place, Church-hill. 1411

ENGLISH SEEDS.
By the Royal Hotel, informs the public that his Second Annual supply of Vegetable, Flower, Agricultural, and Bird Seeds, have arrived in excellent preservation from the same house in London which gave such general satisfaction last season, and now selling on moderate terms.
Catalogues on application. 1440

PLAIN AND FANCY DRESS BALL.
M. J. HALL begs to inform his friends and the public generally, that his Ball will take place at Mr. Maxwell's, Saloon, Saracen's Head Hotel, corner of King and Sussex streets, on Tuesday Evening, July 20.
Dancing to commence at half-past 8 o'clock.
Double Tickets, 10s.
Single ditto, 7s. 1475

BOA CONSTRUCTOR.
To be seen alive, just arrived from India, a splendid Boa Constrictor, Guineo Cashmere Goat, and Persian Sheep, together with a large assortment of Australian Birds and Animals, collected with great care, and at considerable cost by Mr. J. WILCOCK, Taxidermist, (and now to be seen at his establishment, No. 30, Hunter-street).
N.B.—This inspection will remain for a short time only.
Open from 10 till dusk. 1469

INTERESTING.
EVERY one who reads the original of the "Illustrated Library," which is published by the "Illustrated Library," will find it an interesting and amusing information, admits without exception, that it is the best and cheapest Journal of the kind published in the colony. Published by JOHN CHRISTIAN LLOYD, at the office, 445, George-street, opposite the Commercial Bank, Sydney. The numbers are published weekly, price three pence each, or on subscription, 10s. per annum, in advance, and may be had on application, or forwarded free. Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 6

COUNCIL PAPERS.

NEW CONSTITUTION.

DEBATE ON THE RIGHT HONORABLE EARL GREY, BY HIS EXCELLENCY SIR CHARLES A. FITZ ROY.

Duplicate.

(No. 7.)

Parliament-street, 23rd January, 1852.

Sir,—I have to acknowledge your Dispatch, No. 105, of the 18th June last, enclosing an Address from the late Legislative Council of New South Wales, embodying a Declaration and Remonstrance against the proposed Constitution Act 13 and 14 Vic., cap. 59.

The same document had reached me a short time before, with a letter from the Speaker of the Council.

It cannot be otherwise than a subject of regret to me, that the Council should have entertained so much objection to different provisions of that measure, and should have thought it necessary to declare those objections in this formal address before separating for the last time.

But I must be permitted to doubt whether this remonstrance accurately expresses the feeling of the community.

For it is certain that her Majesty's Government, in framing this measure, took much pains to ascertain the views of the people, and to make themselves acquainted with, and to consult the feelings as well as the wishes of the colonists, and had every reason to believe that they had succeeded in doing so, for the report of the Committee of the Privy Council, which was closely followed in the Bill submitted to Parliament, was received in New South Wales with very general expressions of satisfaction.

In the Part III. of the Bill, the provisions affecting the proposed Bill, that satisfaction was expressed in the strongest manner; and in the remainder of the colony likewise, public opinion, from such evidence as could be collected here, appeared decidedly in favor of the measure.

I do not mean to say that there were not differences of opinion as to some of the proposed provisions, such differences are unavoidable on political subjects of great interest; but I think it is hardly true that a "deep disappointment and dissatisfaction" which the Council now express.

The Act therefore, which embodies the recommendations of the Committee of the Privy Council, from which it only slightly varied, and not, I believe, in any of those particulars to which the objections now taken by the Council relate, can hardly be supposed to be unacceptable to the colonists. I think the institutions created by it had been tried and found insufficient—if any of its provisions had been found oppressive or impracticable—then it would be perfectly natural that those who anticipated had been disappointed. But it has not been tried at all; and I am therefore entitled rather to suppose that this declaration of the Legislative Council, which is a formal declaration, is not a representation of the feeling, than that public feeling has thus changed without a motive.

I feel, however, that too much weight is due to the authority of that body which has been so long seated for the purpose of conducting the Legislative affairs of the colony down to the period of its separation, to admit of my receiving a remonstrance from them condemning so strongly what has been done by her Majesty's Government, or recommending a special Parliament, without recording fully the grounds on which I think myself entitled to deny the justice of their objections to the measure which has called forth their censure.

And for the reasons which I have stated, I declare that her Majesty's Government had frequent occasions to make when the Act was in contemplation, namely, that it did not propose, or pretend to propose, to alter the Constitution for New South Wales. Its primary object (as regarded the colony) was the separation of the Port Phillip. Its further object was to accommodate the existing Constitution to that separation. The changes made in the Constitution were for the most part inconsiderable, and their effect was not to extend, in no one instance, to curtail existing rights. But there were two fundamental alterations, namely, that the Legislative Council was to be elected by the people, and that the Executive Council was to be appointed by the Governor. And no objection, which has reached me, that the powers thus conferred on the Legislature are likely to prove, in any degree, inadequate to the purposes of good government and progressive improvement.

I must, therefore, regard the remonstrance, except in some points of detail, rather as a protest against the principles on which the Australian Colonies have been governed, and against some laws affecting those colonies which Parliament has thought fit to maintain, than against this particular Act.

With regard to the Schedules of Expenditure, it is only necessary to say that the powers of the new Legislature over them will be considerably more extensive than those possessed by the old one. I am not aware of what particular expression of mine the Legislative Council has taken, in relation to those powers, which have been nullified by the subsequent instructions of the Colonial Minister. I stated in my despatch transmitting the Act, that it was essential that existing interests should be protected, and that the only way in which the Legislative Council could maintain any objection; the declaration was made out of regard to the natural apprehensions of those who were to be rendered more dependent on the views of the Legislature, and who were not and not from any expectation as to the Legislature as to such a restriction would be disastrous. I referred, further, to the objection of the Colonists, that the salaries of the principal officers ought to be permanently granted; and if this is the restriction complained of, I cannot certainly do otherwise than state that the Legislative Council, in its own conduct, has been very anxious to secure the permanent grant of salaries to the principal officers of the Government.

It is indeed the restriction which the maintenance of this principle is very essential to the success of Constitutional Government at its outset, and not any wish to secure particular salaries for particular officers, which has induced the Legislature to preserve this portion of the former constitution of New South Wales, subject to the increased power of alteration conferred on the Legislature.

The Legislative Council, if I understand them rightly, allege that the maintenance of these salaries involves a violation of the Declaration Act, 18 Geo. III., cap. 12, an objection which, as I have stated, I was the first time urged against them. It might be sufficient to answer that the Act in question refers in terms only to the imposition of taxes by the Imperial Legislature, and the appropriation of the same to the service of the Crown. But it is more important to observe, that the Act of George III., neither declares, nor was intended to declare, anything beyond the recommendation by Parliament of any right to interfere with the salaries of the principal officers of the Government. The constitution of New South Wales is itself created by Act of Parliament, superseding that of the former colony, and the peculiar circumstances of the colony had been thought necessary to maintain until ten years ago. And Parliament, in creating such a constitution, had an unquestionable right to annex to that grant such conditions as it might think expedient.

The administration of the Waste Lands is a subject which I should have preferred to consider independently of the Constitutional Act, which it does not appear to me to have any clear connection with. As the Legislative Council thought it right to introduce this topic into their remonstrance, I cannot do otherwise than advert to what they have said; and in doing so it is my duty not to withhold the reasons which have induced me to hold the opinion that the waste lands of New South Wales, or the revenue derived from them, are in any reasonable sense the exclusive property of the Crown, and that the Colonists are entitled to have, as of right, the control and disposal of that revenue.

The waste lands of the vast colonial possessions of the British Empire are held by the Crown, as trustee for the inhabitants of that empire at large, and not for the inhabitants of the particular province, divided by arbitrary geographical limits, in which any such waste lands happen to be situated. That the Colonists are entitled to have, as of right, the control and disposal of that revenue.

With regard to the claim that the gross revenue of the net revenue derived from Customs should be placed at the disposal of the

Legislature, I have to observe that in this respect the law of New South Wales is precisely the same with that which has always existed in this country, and that the Colonists have always had the power of paying out of the gross revenue the expenses of collection and the salaries of the officers employed in it. I believe this practice to be that best calculated to ensure the efficient performance of the duties of the public business; and coupled with the rule that full information as to the details of the expenditure incurred, shall, when called for, be laid before the Legislature, it affords also, in my judgment, ample security against abuse. At all events, it can hardly be considered that there is any grievance to be complained of in this matter, when the Colonists have the power, which the Imperial Parliament has conferred on them, to withhold, with regard to it, precisely on the same footing with the Imperial Parliament.

On the subject of Official Appointments, it is impossible for her Majesty's Government to recognize, on the part of the Colonists, the right of New South Wales, any monopoly of a right to such appointments, as to preclude them from being bestowed on others of her Majesty's subjects. The inhabitants of New South Wales are not entitled to such appointments, either in Colonies or at Home; nor could anything be more injurious to the general interests of the British Empire than to lay down a rule by which it should be granted to a few individuals of small communities, the members of each of which should be considered as only admitted to employment in that to which they more immediately relate.

But while the principle of regarding all her Majesty's subjects as admissible to Office in New South Wales cannot be abandoned, there has assuredly been no practical restriction on the appointment of the Colonists to the various offices of the Colony, since, for several years past, public employments there have, with scarcely an exception, been filled by persons selected by the Governor, whose nomination is invariably approved by the Secretary of State. And I consider it of great importance to the interests of the colony, as tending to secure a good selection of persons for such appointments, that the Governor should be empowered to make such appointments, and to receive her Majesty's confirmation of them, if they are to exceed a certain value.

With regard to the clause of the protest, which claims that any term of plenary powers for the local legislature, it is scarcely necessary to remark that although the Council naturally confine their declaration to the case of the province which they have represented, it is impossible for me to notice it, in answer, except as applying generally to the colonial possessions of the British Crown. For the Colonists, through their representatives in the Imperial Legislature, are equally in force in every colony, from the comparative, old and numerous communities in North America, down to the smallest settlement enjoying a separate legislature. It is to be noted, that the Colonists, in their declaration, claim a monopoly of a right to such appointments, either in Colonies or at Home; nor could anything be more injurious to the general interests of the British Empire than to lay down a rule by which it should be granted to a few individuals of small communities, the members of each of which should be considered as only admitted to employment in that to which they more immediately relate.

It is not denied that the Governor of a colony, as representing the Crown, must necessarily be a party to all legislation; and there would be obvious objection to place in the hands of the ablest Governor the power of binding the Crown by his acceptance of Acts, in necessary ignorance of the views which the Colonists, through their representatives, would be likely to express on the subject. The Governor, in his capacity of representing the Crown, is not a party to all legislation; and there would be obvious objection to place in the hands of the ablest Governor the power of binding the Crown by his acceptance of Acts, in necessary ignorance of the views which the Colonists, through their representatives, would be likely to express on the subject.

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